

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

In re:

MANUEL & ANNA HERNANDEZ
Debtors

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CASE NO. 14-70556
Chapter 13

**DEBTORS' OBJECTION TO PROOF OF CLAIM #5 FILED BY THE
SELENE FINANCE, LP**

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW THE CLAIM THAT YOU FILED IN THIS BANKRUPTCY CASE. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN THIRTY (30) DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN THIRTY (30) DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED WITHOUT A HEARING.

A HEARING HAS BEEN SET ON THIS MATTER ON JULY 22, 2015 AT 9:00AM IN THE BANKRUPTCY COURTROOM, 8TH FLOOR, BENTSEN TOWER, 1701 BUSINESS 83, McALLEN, TEXAS.

TO THE HONORABLE RICHARD S. SCHMIDT, Bankruptcy Judge:

COME NOW, MANUEL & ANNA HERNANDEZ, the Debtors herein, and under 11 USC § 502 object to Proof of Claim #5, as originally filed and amended, filed by SELENE FINANCE, LP, (hereinafter "Claimant"), and in support of this Motion, respectfully state to the Court as follows:

1. Claimant filed Proof of Claim #5 in the amount of \$82,978.20.
2. Debtors object to the claim, as the claim shows an arrearage of \$43,313.92.
3. Debtors will state that this debt has been serviced by the Debtors, through the Chapter 13 Trustee, in the amount of \$18,423.85 (\$2350.00 on 09/23/10 and \$16,073.85 on 08/21/2015), which payments are not included in Claimant's loan history, and for which Debtors have not been given credit.

WHEREFORE, Debtors prays this Court make and enter an Order denying Claimant's proof of claim, and for such other and further orders as may be just and equitable in the premises.

Respectfully submitted,

/s/ Richard O. Habermann

Richard O. Habermann
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McAllen, Texas 78501
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(956) 668-1923 - fax
Federal ID No: 9275
State Bar No: 08665530

ATTORNEY FOR DEBTORS

CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the above and foregoing motion was sent by electronic or regular mail to the following parties on the date of filing.

/s/ Richard O. Habermann

Richard O. Habermann

Cindy Boudloche
Chapter 13 Trustee
555 Carancahua Street, Suite 600
Corpus Christi, Texas 78478

Office of The United States Trustee
606 N. Carancahua Street, Suite 1107
Corpus Christi, Texas 78476

John J. Rafferty
BUCKLEY MADOLE, PC
PO Box 9013
Addison, Texas 75001
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AFFIDAVIT AS TO FACTS

On this day personally appeared before me, the undersigned Affiant, and after being duly sworn stated under oath that he has read the above objection, and that every statement contained therein is within his personal knowledge and are true and correct, to the best of his information and belief.

/s/ Richard O. Habermann
RICHARD O. HABERMANN

SUBSCRIBED AND SWORN TO BEFORE ME on the 27th day of May, 2015.

SEAL

/s/ Monica S. Arredondo
NOTARY PUBLIC in and for the
STATE OF TEXAS